

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JULIUS PHILLIPS,

Plaintiff,

1:24-cv-853 (BKS/PJE)

v.

SCHENECTADY COUNTY CHILD  
SUPPORT UNIT, DIVISION OF CHILD  
SUPPORT ENFORCEMENT NEWPORT  
NEWS DISTRICT OFFICE, SCHENECTADY  
COUNTY FAMILY COURT, BRUCE  
J. WAGNER, DYLAN REILLY and  
REBECCA BAUSCHER,

Defendants.

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**Appearances:**

*Plaintiff pro se:*

Julius Phillips  
Schenectady, NY 12307

**Hon. Brenda K. Sannes, Chief United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

On July 5, 2024, Plaintiff pro se Julius Phillips filed this action under 42 U.S.C. § 1983, alleging that family court child support orders violated his Fourth, Fifth, Seventh, and Fourteenth Amendment rights. (Dkt. No. 1). Plaintiff sought leave to proceed in forma pauperis. (Dkt. No. 2). This action was referred to United States Magistrate Paul J. Evangelist who, on March 24, 2025, granted Plaintiff's motion to proceed in forma pauperis, and recommended dismissal without prejudice and without opportunity to amend for lack of subject matter jurisdiction. (Dkt. No. 4). Magistrate Judge Evangelista advised Plaintiff that under 28 U.S.C. § 636(b)(1), he had "fourteen (14) days within which to file written objections to the foregoing report" and that

“failure to object . . . within fourteen days will preclude appellate review.” (*Id.* at 38). Plaintiff did not file any objections.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby


**ORDERED** that Magistrate Judge Evangelista’s Report-Recommendation (Dkt. No. 4) is **ADOPTED**; and it is further

**ORDERED** that plaintiff’s complaint (Dkt. No. 1) is **DISMISSED** in its entirety without prejudice and without opportunity to amend for lack of subject matter jurisdiction; and it is further

**ORDERED** that the Clerk is directed to close this case and serve this Memorandum-Decision and Order on Plaintiff in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: April 24, 2025  
Syracuse, New York

  
Brenda K. Sannes  
Chief U.S. District Judge